



If It's Water, The State Might Own It.

Chapter 18-21 F.A.C.

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Introduction

- Public & Private land is everywhere around us...
- Federal
- State
- Local
- Private



AVATAR



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- What are “Sovereignty Submerged Lands”?





18-21 F.A.C. Definition of Sovereignty Submerged Lands

- “Sovereignty submerged lands” means those lands including but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters, ***to which the State of Florida acquired title on March 3, 1845, by virtue of statehood,*** and which have not been heretofore conveyed or alienated. For the purposes of this chapter sovereignty submerged lands shall include all submerged lands title to which is held by the Board. (18-21.003 (56) F.A.C.)



- **Sovereignty Submerged Lands are public lands, owned by the citizens of the State of Florida.**
- **18-21 F.A.C. became effective on March 27, 1982 superseding less comprehensive rules.**





Definition (continued)

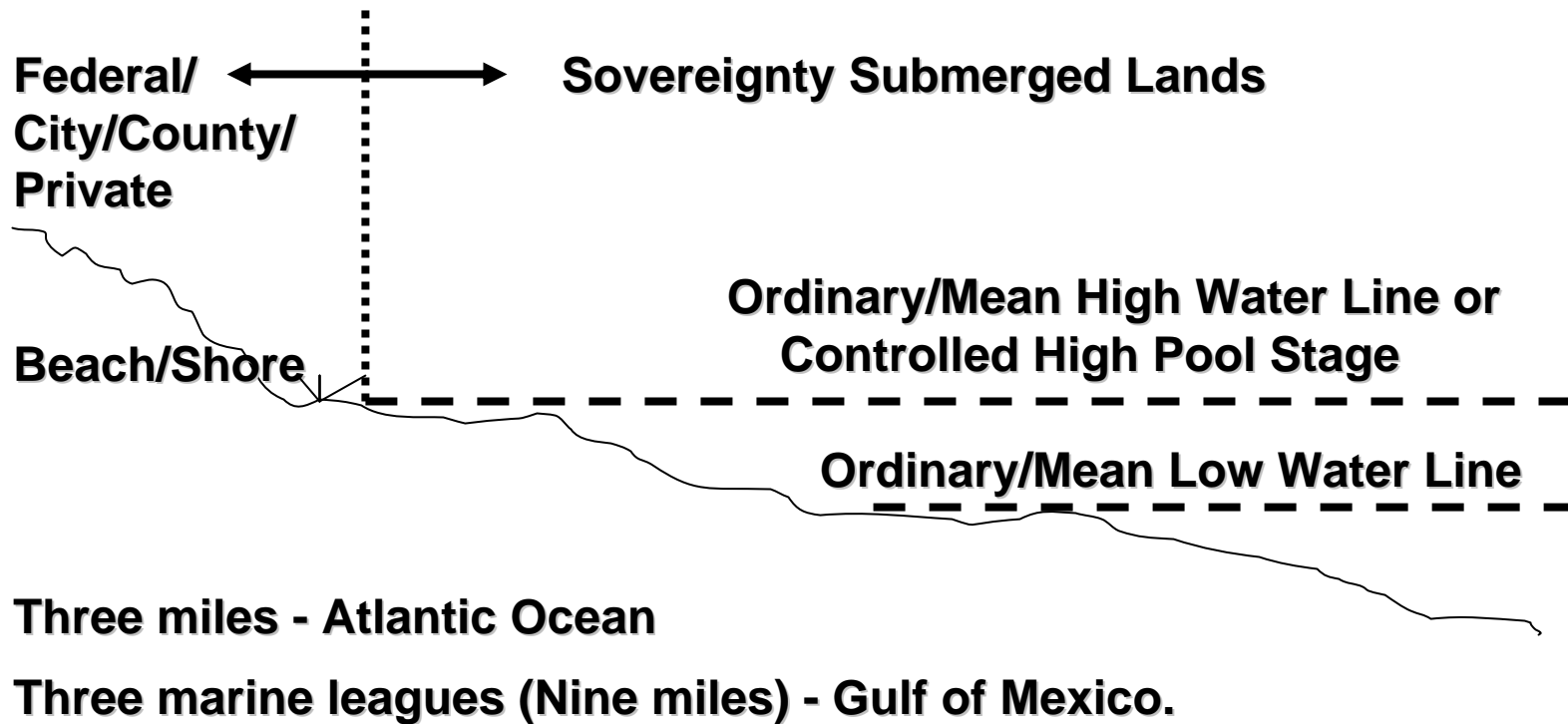
- **Statehood....**





Definition (continued)

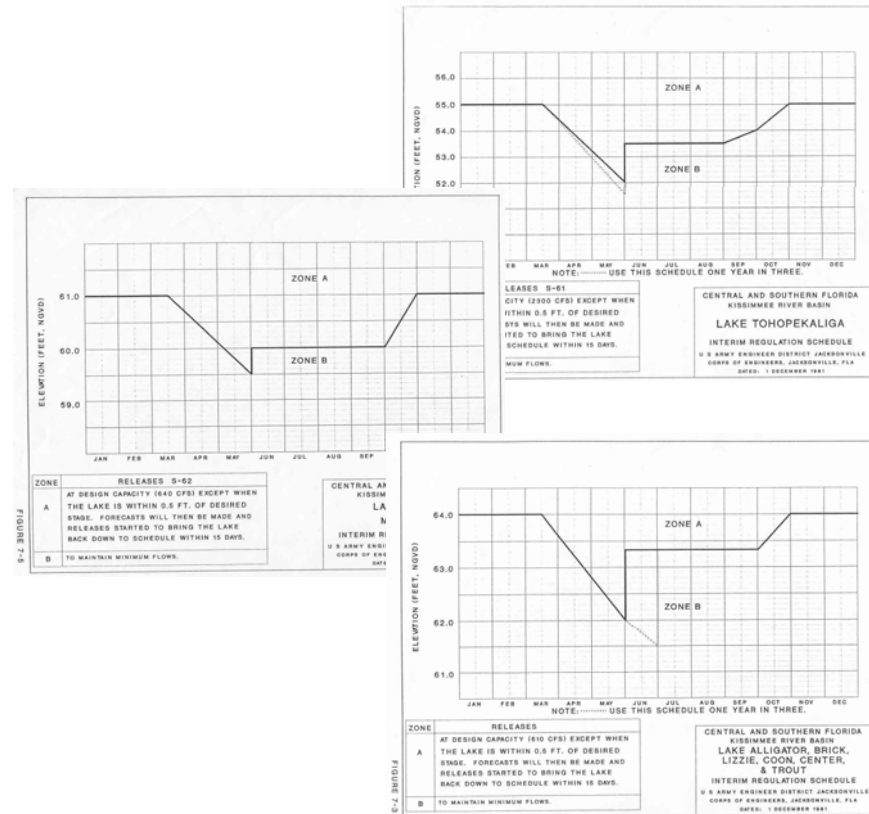
- ...lands waterward of the **ordinary or mean high water line** (or **controlled high pool stage**)...





Definition (continued)

- **Controlled High Pool Stage**



US Army Corps
of Engineers

sfwmd.gov



Definition (continued)

- **Navigable Water**





Delegation

- 18-21.0051, F.A.C.,
“Delegation Rule”





Sovereignty Submerged Lands & the ERP Application

■ Section G

JOINT APPLICATION FOR
ENVIRONMENTAL RESOURCE PERMIT/
AUTHORIZATION TO USE
STATE OWNED SUBMERGED LANDS/
FEDERAL DREDGE AND FILL PERMIT

SECTION G

Application for Authorization to use State Owned Submerged Lands

Part I:

Sovereign Submerged Lands title (ownership) information: Please read and answer the applicable questions listed below:

- A. I have a sovereign submerged lands title check from the Division of State Lands which indicates that the proposed project is NOT ON sovereign submerged lands (Please attach a copy of the title determination to the application).
Yes ☐ No ☐

If you answered Yes to Question A and you have attached a copy of the Division of State Lands Title Check to this application, you do not have to answer any other questions under Part I or II of Supplement B.





Where you can find 18-21 F.A.C.



- <http://www.dep.state.fl.us/water/wetlands/erp/rules/guide.htm>
- <http://www.dep.state.fl.us/legal/rules/shared/18-21.pdf>





Case Study Description: Get Authorization To Use Sovereignty Submerged Lands



So how does this all work? I just want to build a dock...or maybe a seawall...or maybe both!





■ Submit Application

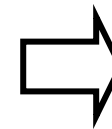
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/
WATER MANAGEMENT DISTRICTS/
U.S. ARMY CORPS OF ENGINEERS

JOINT APPLICATION FOR
ENVIRONMENTAL RESOURCE PERMIT/
AUTHORIZATION TO USE
STATE OWNED SUBMERGED LANDS/
FEDERAL DREDGE AND FILL PERMIT

Form 0071 (08/2007)

sfwmd.gov



Orlando Service Center



SFWMD

■ Copy of Application Sent to DEP

MEMORANDUM

DATE: 14 April 2008

TO: Donelle White
FDEP Division of State Lands, Title & Land Records Section
Tel: 850.245.2788, Fax: 850.245.2808

FROM: Eric Dechouse, Environmental Analyst 3
Orlando Service Center
Tel: 407.858.6100 Fax: 407.858.6121

THROUGH: Marc S. Ady, Senior Supervising Environmental Analyst
Orlando Service Center
Tel: 407.858.6100 Fax: 407.858.6121

RE: Request for Title Review: SFWMD File No 080325-18
Bowen Zann Boat Dock
Orange County

Property Description: County: Orange
§ 15, T 23 S, R 27 E

Application sections and drawings from application attached: Y
Location map attached: Y USGS quad map portion attached: Y
Other plan-view, cross-section or other drawings attached: Y

Please review the title (ownership) of the referenced property or area. Please include the following information with the standard title worksheet or explain if this information is not available.

☒ Determination of state ownership below OHW/SHW

☒ Adjacent state lands

☒ Lease, subleases, easements and related conveyances/reconveyances

☒ USGS Quad Map, DOT County Road Map, REDI Location Map and Subdivision Plat Map

☒ Conservation easements

☒ All other available information


Comments: Construct single family dock on Lake Spear in Orange County.....Thanks Donelle!

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/
WATER MANAGEMENT DISTRICTS/
U.S. ARMY CORPS OF ENGINEERS

JOINT APPLICATION FOR
ENVIRONMENTAL RESOURCE PERMIT/
AUTHORIZATION TO USE
STATE OWNED SUBMERGED LANDS/
FEDERAL DREDGE AND FILL PERMIT

Form 0071 (06/2007)







01-12-2008 11:12 AM	POLICE DEPARTMENT OF BIRMINGHAM/ALABAMA FROM: JAMES L. COOPER, JR. SUBJECT: THE BIRMINGHAM AND MONTGOMERY METROPOLITAN POLICE DEPARTMENTS (BPM&MD)	Page 1 of 1 0000000000
FLY NUMBER: 00000000 BIRMINGHAM ID: 0000000000 COUNTY: 000000 OFFICE: 00000000 COMMAND: 00000000	NAME: 00000000 LAST NAME: 00000000 FIRST NAME: 00000000 MIDDLE NAME: 00000000 SUFFIX: 00000000 DOB: 00000000 SEX: 00000000 LAST OFFICE: 00000000	
TYPE OF ACTIVITY: ACTIVITY CATEGORY: ACTIVITY SUBCATEGORY: N/A FOR BUREAU	ALABAMA INVESTIGATIVE INVESTIGATION - 0000000000 INVESTIGATION - 00000000 INVESTIGATION - 00000000 INVESTIGATION - 00000000 INVESTIGATION - 00000000	
COMMENTS:	BIRMINGHAM POLICE OFFICER THEO JAMES COOPER AND OFFICER JAMES L. COOPER OF THE BIRMINGHAM POLICE DEPARTMENT (BPM) HAVE BEEN ASSIGNED TO THE BIRMINGHAM AND MONTGOMERY METROPOLITAN POLICE DEPARTMENT (BPM&MD) AS OF 01-12-2008.	
APPROVED: DATE/PRINTED:	APPROVED: 0000000000 DATE/PRINTED: 00-00-0000	

RECORDS ON FILE WITHIN THE TITLE AND LAND RECORDS SECTION INDICATE THAT THE STATE HOLDS TITLE TO THE LANDS BELOW THE OHWL OF LAKE SPEER AT THE SUBJECT SITE.

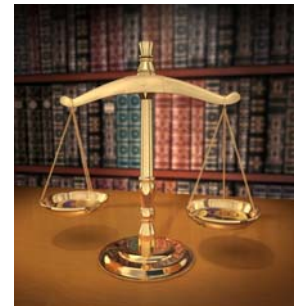
[illegible]

RECORDS ON FILE WITHIN THE TITLE AND LAND RECORDS SECTION ARE INSUFFICIENT TO MAKE A DETERMINATION OF OWNERSHIP OF BUCK LAKE AT THE SUBJECT SITE. THEREFORE, WE RECOMMEND THAT THE PROPRIETARY REQUIREMENTS THAT WOULD NORMALLY APPLY TO STATE LANDS NOT APPLY TO THIS AREA.



Forms of Authorization

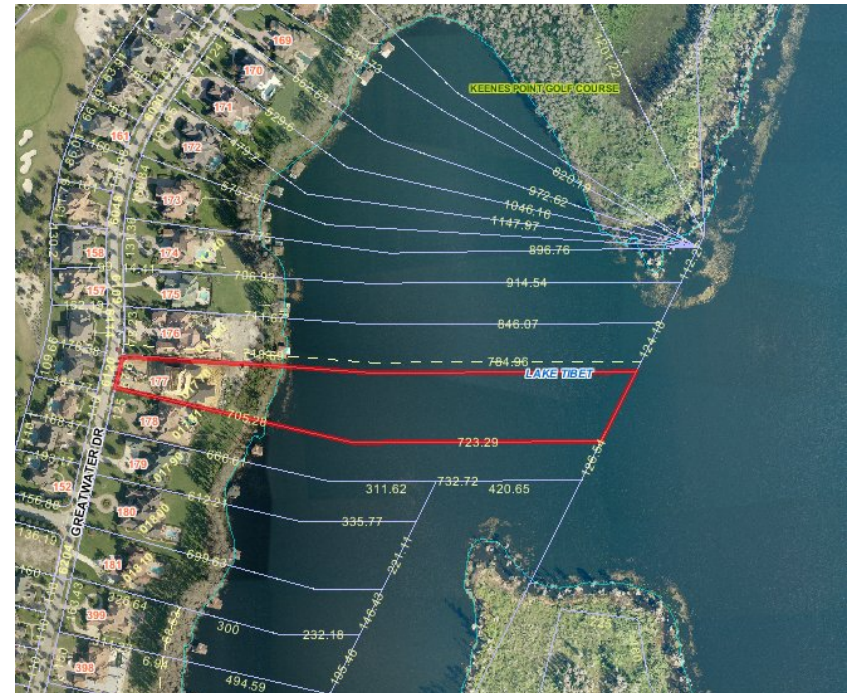
- Letter of Consent (18-21.007 F.A.C.)
- Use Agreements (18-21.0077 F.A.C.)
- [Sovereignty Submerged Lands] Lease (18-21.008 F.A.C.)
- Grandfather Structure (18-21.0081 F.A.C.)
- Special Event (18-21.0082 F.A.C.)
- Public Easement (18-21.009 F.A.C.)
- Private Easement (18-21.010 F.A.C.)



Issues/Problems: Parcel Boundaries



Whoa – Whoa – Whoa! I live on Lake Tibet, and the deed to my property shows that I own the land waaaaaay out into the lake!



File #15819

DE 48567 & 5068 BEISS
RONDA L. A. DUTCHMAN
UTAH COUNTY RECORDER
DO NOT SIGN THE WARRANTY
REQUIRED FOR FINAL LINK & TITLE

Warranty Deed

Grantor: NATILAN S. XXXX AND JANET M. XXXX
of: XXX SOUTH YY WEST, OREM, UTAH 84058

hereby *CONVEY AND WARRANT* to:

Grantee: JONATHAN A. YYYY AND RACHELLE ZZZZ, UNMARRIED
INDIVIDUALS
of: XX SOUTH YY WEST #5, PROVO, UTAH 84601



SEWMD

RECORDS ON FILE WITHIN THE TITLE AND LAND RECORDS SECTION INDICATE THAT THE STATE HOLDS TITLE TO THE LANDS BELOW THE OHWL OF LAKE TIBET AT THE SUBJECT SITE.

TO ERIC DEPHOUSE @SFWMD
DW 5/12/06





Issues/Problems: BTIITF Deed

RECORDS ON FILE WITHIN THE TITLE AND LAND RECORDS SECTION INDICATE THAT THE STATE HOLDS TITLE TO THE LANDS BELOW THE CIRLE OF LAKE HART OUTSIDE THE BOUNDARIES OF THE LANDS CONVEYED IN DEED 22569.

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND
OF THE STATE OF FLORIDA

DEED NO. 22569 (410-48)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, the Trustees of the Internal Improvement Fund of the State of Florida, under authority of law, for and in consideration of the sum of ONE THOUSAND FOUR HUNDRED EIGHTY-NINE and 00/100 DOLLARS, (\$1,489.00), to them in hand paid by GLEN G. HENSON of the County of Orange, State of Florida, have granted, bargained and sold, and do by these presents grant, bargain, sell and convey, unto the said GLEN G. HENSON and his heirs and assigns, the following described lands, to-wit:

IN TESTIMONY WHEREOF, the said Trustees have hereunto subscribed their names and affixed their seal and have caused the seal of THE DEPARTMENT OF AGRICULTURE OF THE STATE OF FLORIDA to be hereunto affixed, at the Capitol, in the City of Tallahassee, on this the 6th day of September, A. D. 1960.

(SEAL)
Trustees I.I.Fund

(SEAL)
Dept. of Agriculture

LeRoy Collins (SEAL)
Governor
Ray E. Green (SEAL)
Comptroller
Edwin Larson (SEAL)
Treasurer
Richard W. Ewing (SEAL)
Attorney General
Reel R. Thompson (SEAL)
Commissioner of Agriculture

As and Composing the Trustees of the Internal Improvement Fund of the State of Florida.

- <http://199.73.242.56/Default.asp>





Summary

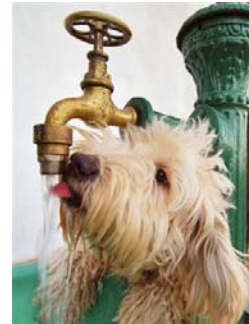
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- **“Sovereignty submerged lands” means....**
- **District staff are delegated the authority...**
- **“Authorizations” are required based on...**
- **Sovereignty Submerged Lands are public lands...**





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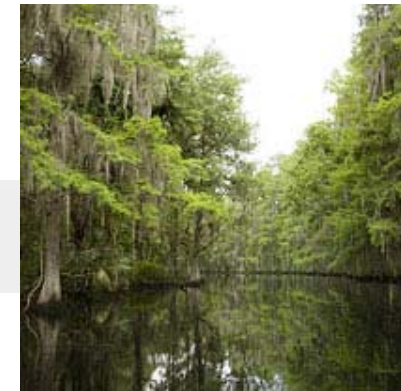




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THE END





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Questions?

